

JAN. 8/03

ENR. 1-15-03
#8/RESPONDAPPLICATION NO.09/932820 ALLEN SCHINKEL
PAINT TRAY WITH HANDLE INTEGRAL TO BODY

Mr. Moy - Art unit 3727

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JAN 8 2003

GROUP 3700

Dear Mr. Moy,

Thank you for your previous response. I can see the arguments for declining claims 2 and 3, follow and very much appreciate the formulative logic in those arguments. However, I cannot grasp the argument for declining claim 1. When you state (#1)"There is no patentable distinction between a tray and the container of Hoilje", is this a problem of "patent languaging"? Visually, my tray and Hoilje's are distinct from each other. Hoilje defines his invention as a bucket. Is, "tray with handle integral to body" an unpatentable phrase? When you state, (#2)"A tray as claimed without any structure is reasonable is only container" (this is exactly how it is written), I cannot follow the syntax of the sentence and get the intended point. Would you clarify or re-phrase this statement for me? When you state, (#3)"Hoilje shows a container or tray with handle. Such disclosure meet all claimed language", are you indicating that Hoilje's languaging supports his visual? In this statement, you use "tray" and "container" as having similar, descriptive meanings (which is consistent with statement #1) - are these words not considered distinct in "patent language"? Does statement #2 have anything to do with statemnt #3 in your argument? Again, I cannot follow the sentence structure of #2).

It is my HANDLE which is distinct and unique unto itself, previously unenvisioned as it has not been in the marketplace nor (visually) in any references you have provided. Would a description, "HANDLE integral to container" (or tray) better language that which I strongly feel to be an original idea (that being the handle) which deserves patent. I would really appreciate your taking the time to clarify and help me on this one, my friend.



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January 8, 2003

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MR. MOY - ART UNIT 3727

Dear Mr. Moy,

Further to my earlier response to you on this day regarding the rejection of all my claims, I wish to state that given my understanding, an axiom of a patentable idea is one which improves products in existence. My "tray with handle" creates an unbefore known, latitude of movement while actually painting (with a roller) - moving around and painting while carrying the tray. This saves a great amount of time not having to repeatedly go back to the tray. This movement with the ease of holding my tray is an unbefore known or experienced possibility. I have made a prototype and it works. This movement my "tray with handle" allows - this improvement, is dramatically notable and is the reflection of my claim #1. as indicated in my "background of invention". It is based on this most noteable improvement that CLAIM #1 be allowed.

With thanks,

